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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,000	12/29/2003	Leon Eugene Chambers JR.	KC-18,446	6547

7590

07/05/2006

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EXAMINER

KIDWELL, MICHELE M

ART UNIT	PAPER NUMBER
3761	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/748,000

**Applicant(s)**

CHAMBERS ET AL.

**Examiner**

Michele Kidwell

**Art Unit**

3761

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-31 is/are allowed.
- 6) ☒ Claim(s) 1,5-18 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 19-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                                     |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                         | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/6/04;5/10/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS filed 11/29/04</u> .               |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8 – 9, 11 – 18 and 23 – 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Salerno et al. (US 6,306,123).

With reference to claim 1, Salerno et al. (hereinafter “Salerno”) discloses an absorbent structure, comprising: a central longitudinal region; two distal longitudinal regions located along opposite sides of the central longitudinal region; and an absorbent material at least partially stabilized with a binder material and located in the central longitudinal region and in each of the two distal longitudinal regions, wherein the absorbent material is more stabilized in the central longitudinal region than in either of the two distal longitudinal regions as set forth in col. 4, lines 38 – 57.

Regarding claim 8, Salerno discloses an absorbent structure wherein the amount of stabilization in the absorbent material varies in a z-direction through the absorbent structure as set forth in figure 1.

As to claim 9, Salerno discloses an absorbent structure wherein the concentration by weight of absorbent material is essentially the same in the central region as in each of the two distal longitudinal regions as set forth in col. 3, line 60 to col. 4, line 11.

With reference to claim 11, Salerno discloses an absorbent structure wherein the binder material comprises at least one of the group consisting of binder fibers, continuous extruded fibers, discontinuous extruded fibers, adhesive fibers, non-adhesive fibers, non-elastomeric fibers, elastomeric fibers, sprayed liquid binder, and combinations thereof as set forth in col. 4, lines 39 – 42.

As to claim 12, Salerno discloses an absorbent structure wherein the binder material comprises bicomponent staple fibers as set forth in col. 4, lines 39 – 42.

With reference to claims 13 - 14, see col. 3, line 66 to col. 4, line 2.

As to claim 15, Salerno discloses an absorbent structure wherein the absorbent material comprises superabsorbent material as set forth in col. 4, lines 12 – 16.

Regarding claims 16 and 23, Salerno discloses an absorbent structure further comprising a non-stabilized layer of absorbent material in contact with a surface of the at least partially stabilized absorbent material in col. 3, lines 60 – 62; col. 4, lines 51 – 57 and in figures 2 – 3.

With reference to claim 17, Salerno discloses an absorbent structure having a gradual stabilization profile between the central longitudinal region and the two distal longitudinal regions as set forth in figures 1 – 3.

As to claim 18, see the rejection of claim 1.

With respect to claim 24, Salerno discloses an absorbent article wherein the absorbent article is selected from the group consisting of diapers, training pants, swim wear, absorbent underpants, adult incontinence products, feminine care products, medical absorbent garments, bandages, masks, wound dressings, underpads, and wipes as set forth in col. 1, lines 24 – 28.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 – 7, 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salerno et al. (US 6,306,123).

With reference to claims 5 – 7, Salerno teaches the use of a binder material and an absorbent material.

It would have been obvious to one of ordinary skill in the art to adjust the ratios of the disclosed materials in order to determine the most effective product since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art.

With reference to claims 10 and 22 , see the rejection of claims 5 – 7.

***Allowable Subject Matter***


Claims 2 – 4 and 19 – 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25 – 31 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Michele Kidwell  
Primary Examiner  
Art Unit 3761